

## **Minutes from the May 13, 2015 Planning Commission Public Hearing**

**The following minutes are verbatim**

### **GPZ-1-2015**

#### **West Valley City**

#### **General Plan changes from various land use designations to large lot residential or non-retail commercial and zone changes from various zones to A or A-2**

#### **756 Acres**

At the direction of the City Council, staff has submitted a General Plan/zone change application for 756 acres in various locations throughout the City. The proposed General Plan changes are from low density residential (3 to 4 units/acre), residential office, mixed use, heavy manufacturing, light manufacturing and commercial light manufacturing to either large lot residential (2 to 3 units/acre) or, in one situation, non-retail commercial. The proposed zone changes are from A, A-1, M, R-1-6, R-1-8, R-1-10, R-4-8.5 and RM to either A or A-2. Included with this report is a map highlighting the proposed zone changes and a list that identifies all of the properties affected by the proposed General Plan changes and zone changes.

The City Council has long been concerned about the shrinking amount of available land for residential development and the lack of high end or executive type housing in the City. Included with this report is a map showing home values across Salt Lake County and a document entitled "Talking Points for Housing Standards." This map and document help illustrate the Council's concerns. To address these concerns, the Council passed a temporary land use regulation or moratorium of zone changes to any residential zone on October 7, 2014. This moratorium, which became effective on October 14, 2014 was in effect for six months.

During the moratorium staff had several discussions with the City Council to explore ways to address the lack of high end housing in the City. After considering different options, the Council directed staff to make the ordinance amendments proposed in application ZT-3-2015 and to initiate the rezones proposed in this application.

When compiling the list of properties to include in the application, staff used the following criteria:

- The property is vacant or only partially developed.
- The property individually is at least 2 acres or the property, together with other adjoining property, is at least 2 acres.
- Residential development is anticipated on the property.

Properties that have already been entitled for residential development are excluded.

For those properties that are currently designated as non-residential in the General Plan but are now proposed as residential, an explanation for why the non-residential designation is being changed to residential is provided below:

- 6002 S and 6152 S SR 111 – While owned by ATK, these properties are located on the west side of SR-111. SR-111 is a wide right-of-way that separates the property for manufacturing zoning on the east side of SR-111. The property to the south has already

received zoning and development agreement approval for single family residential.

- 4798 S 6400 W – This property is also owned by ATK and is located north of the Union Pacific railroad tracks. There are already several locations along the railroad tracks that have developed as residential.
- 6511 W and 7011 W 6200 S and 6420 S SR 111 – These properties are located south of 6200 S between SR-111 and the Mountain View Corridor. These properties are mostly outside of the overpressure zones and are currently zoned R-1-10.

While not required, it is anticipated that the properties affected by the proposed zone changes will eventually be developed for residential use. The one exception is the property located at 4500 South 2700 West where office use is anticipated. The proposed A and A-2 zones are meant to be holding or temporary zones until such time as the property owner is ready to develop. When a property owner is ready to develop, an application to change the zoning to the new RE zone will be required.

During the Planning Commission's study session, the possibility excluding some properties from the General Plan and zone changes was discussed. One example discussed was excluding smaller parcels from the proposed changes. The Planning Commission's recommendation to the City Council can certainly contain suggested revisions.

#### **Staff Alternatives:**

1. Approval.
2. Approval, subject to recommended revisions by the Planning Commission.
3. Continuance, for reasons determined during the public hearing.
4. Denial.

#### **Applicant:**

West Valley City

#### **Opposed:**

John Betts  
3920 S 5200 W

#### **Opposed:**

Robert McConnell  
101 S 300 E

#### **Opposed:**

JoAnn Jacobs  
3935 S 6000 W

#### **Opposed:**

Fred Cox  
4466 Early Duke Street

#### **Opposed:**

Robert Farnsworth  
3696 S 5600 W

#### **Opposed:**

Kelly Engle  
3610 S 3440 W

#### **Opposed:**

Jim Yates  
3076 Cruise Way

#### **Opposed:**

Anita Brock  
4411 W 4415 S

#### **Opposed:**

Greg Cox  
2782 S Corporate Park Dr.

#### **Opposed:**

Dorreen Yates  
3076 Cruise Way

#### **Barbara Thomas**

Ok. The next item on the agenda is a petition by West Valley City requesting amendments to our General Plan. Let go ahead and turn the time over to Steve for questions or I mean for an explanation. If we want to wait for a moment while people are leaving. Alright go ahead Steve, please.

**Steve Pastorik**

Ok thank you. So this next application is also initiated by the city. It's a change to the City's General Plan as well as zoning. Again, the properties involved total 756 acres, there's a total of 132 properties. Included in the notice to the property owners as well as for the Commission, there's a list of all of the properties that are affected by the proposed rezoning. As we've discussed, depending on the size of the property, the proposal for the zone change was to the A zone or the A-2 zone depending on the size of the property. Again as we mentioned the existing zoning on the property varies again depending on the property. Again this action is taken, as we've discussed earlier in the previous application, the Council is concerned about the shrinking amount of residential land available in the city and the concern for having areas for larger lots. I should point out, with the larger lots, certainly the concern is value but also there's concern for just having a variety of lot sizes. We have many smaller lots but just not very many in terms of options for larger lots that exist in the City. In terms of those properties that were identified, let me just briefly address the criteria that was used to identify. All those properties were either vacant or mostly vacant. There are some that have a home on them but they have ground that could be developed. For example you have a home on a 3 acre parcel for example. The properties were either individually at least 2 acres or you have a collection of vacant properties that were at least two acres adjoining one another. Then again, finally, these are properties where there is residential development that's anticipated. So we do have other areas of the City where there is vacant ground where there's either commercial or industrial development that is anticipated. As it was mentioned by Mr. McCay, one thing that was brought to our attention by Property Reserve Inc. (or PRI), there is a property, and I apologize I can't see the screen at this point, but it is just west of 5600 W and approximately 6400 S that was annexed into the City back in '96 and so that was prior to my time here at the City. That agreement essentially said that the City would not change the zoning on that particular piece of property. There was an agreement to that effect back in 1996 and so that particular property, again because that was brought to our attention, our suggestion to the Commission would be that that property be excluded because of that prior agreement.

**Barbara Thomas**

What was that zoned?

**Steve Pastorik**

It was zoned RM.

**Barbara Thomas**

Thank you.

**Jack Matheson**

Is there additional properties that we may need to consider? Such as Mr. McCay brought up PRI property that...

**Steve Pastorik**

As far as the agreement is concerned, that's the property that was impacted by that. Now, I know Mr. McCay represents Suburban Land Reserve so they also own property in the Lake Park/Highbury area as well but again those were not impacted by this annexation agreement.

**Brent Fuller**

Steve, how many acres is in that R-1... or RM area?

**Steve Pastorik**

If memory serves I believe it was about 15 acres but I can look very quickly here. It's about 14.5 acres, the RM portion. Now that particular piece has... it's a larger piece that has commercial zoning out by 5600 W and then the RM zoning in the back. So what was proposed was just changing the zoning on the RM portion. The C-2 zoning would remain intact.

**Barbara Thomas**

As we go into this discussion I just need to indicate that my family owns a piece of a property which is just off of 6600 S, about 6800 W. I don't think that will impact... it's about 5 acres I think. Okay, is there anyone who wishes to speak to this? Let's start with this gentleman, then this gentleman, then this lady.

**John Betts**

Again, John Betts, 3920 S 5200 W. As has been talked about already, West Valley City's 97% already built out with only 3% remaining. With all due respect, that 3%, I looked at all those graphs and charts that you showed at the beginning, with only 3% of your total land value available for development, you're not going to change any of those numbers. Thank you.

**Barbara Thomas**

Mr. Betts, I didn't get your address there for the record.

**John Betts**

3920 S 5200 W.

**Barbara Thomas**

Thank you. Sir?

**Robert McConnell**

Just real quickly with respect to the Giovengo's property. Robert McConnell 101 S 200 E suite 700, Salt Lake. The General Plan has some... it has identified this area as an opportunity corridor, it has residential office, mixed use zone and some higher density small lot zoning that's approved for that area of the City. That's something the Giovengo's would like to be able to preserve and to advance in terms of development proposals in the future. One of the things that you'll notice when you look at, from the prior presentation, Mr. Pastorik's presentation, the map

that showed the values and there was the green and then you got more yellow and orange and red so forth. One of the things that's really not hard to figure out is that most of that green is up against and located on the east bench. And then there's a pocket kind of in the Holladay area that is along Cottonwood Creek. And then there is some newer developed communities where their housing stock is much newer and frankly, I lived in South Jordan for 18 years and when I moved there the minimum lot size was 1/3 acre. Almost from the inception of their growth period, they started with that 1/3 acre zoning mantra. Ultimately I think they determined that wasn't ideal and that they needed to have some additional higher density housing which is really the opposite of what you have. My point is, there are geographical limitations and inputs to the desirability of a property for larger lot zoning. The Giovengo's property is up against the Mountain View Corridor, it's adjacent to 5600 W, there's high density on the other sides (on the opposite ends of it), and the notion that its appropriate now to put 2 acre large estate lots on there is probably not a marketable concept. In some respects you not only affect its value, you exchange it for dollars for rubles. And say, but unlike rubles I can pick up and put in my bag and go down to the Zion's monetary exchange and change them out for dollars. I've got to wait for a ruble buyer to come to West Valley City and offer me to buy my rubles. It's just not a good fit.

**Barbara Thomas**

Thank you Mr. McConnell. Yes?

**JoAnn Jacobs**

JoAnn Jacobs, 3935 S 6000 W. So I have a question... West Valley City's having a conversation about taking people's property and making it so that they can't do what they plan to do with it but they are excluding themselves on a 15 acres piece? Does that seem right to anybody? Did I get that right?

**Barbara Thomas**

I think... are you talking about the piece down on 6200 S?

**JoAnn Jacobs**

Yeah.

**Barbara Thomas**

That was a piece when the City annexed, that particular property owner had requested in the process of development that the zoning not be changed on that and so that request is being honored.

**JoAnn Jacobs**

Ok but everybody else purchased their properties in the zoning that they're currently in and if they want to change that zoning, they have the right to come down to the Commission to apply for that. How is this excluded from a blanket thing? That just doesn't seem right. You're putting a hardship on families who have been planning to use their property for a specific use but then

you're saying oh but we've got 15 acres that we're going to exclude from that. I was just clarifying that was actually being said, that just doesn't make sense.

**Steve Pastorik**

If I may clarify, that 15 acres actually is not owned but the City. It is owned by Property Reserve Inc. Again at the time it was annexed in 1996 the agreement at that time, written agreement that was approved by the City Council and the land owners at the time, was that the zoning on that particular piece would not be changed.

**JoAnn Jacobs**

I'm pretty sure when I bought my property I signed a piece of paper saying that my zoning was going to be x. How does this not qualify under that same thing? That's all I'm saying... how does your property get excluded when the rest of these people are being put into a hardship because of something the City Council's dreamed up.

**Barbara Thomas**

It's not the City that owns it. It's another property owner who when they purchased the property has a written agreement indicating that the zoning would not change.

**JoAnn Jacobs**

I have a written agreement that I have this particular zoning on my property. I have a written documentation saying this is the zoning on my property. They are just going in and arbitrarily changing it. I don't see how they have the power to say I'm going to change the zoning here but this is excluded because of this even though when I went to my title company I signed documents saying my zoning as this. That's all I'm saying. That didn't make sense to me.

**Barbara Thomas**

I understand what you're saying. Yes, Commissioner Meaders?

**Clover Meaders**

***\*\*audio did not record\*\****

**Steve Pastorik**

Sure, so if you have an existing home then of course we're not proposing any... in a subdivision we are not proposing any zone changes there. I think the distinction here, or the misunderstanding, is that the City can propose changes in zoning on property in the City. The City has done that many times in the past and has that ability to basically change zoning on property. So once you have a particular zone in place, there's no guarantee in the City's zoning ordinance that says that that zoning will never change or that it will always be that.

**Barbara Thomas**

Ok thank you. Let's go ahead and get some other discussion while we still have others who are waiting. Back here and then you sir after that.

**Fred Cox**

Thank you my name is Fred Cox I live at 4466 Early Duke Street in West Valley City. I'm an architect, I work and live in West Valley. My 6,800 square foot lot isn't going to win any awards, I'm just trying to hang on to it, the economy hasn't been great. I did want to comment, somebody that spoke earlier about Colt Ct, I believe it was Mr. Condie that spoke. Those lots there are some of the nicest lots... I've knocked on lots of doors in this valley or at least a good portion of West Valley. They're nice lots. They're not all brick, they're not all 15,000 square feet lots. I don't know if you want to get rid of, looking at the map which is what you're discussing, I'm not sure if you want to make the changes that are being proposed in the map. I love the flexibility that was mentioned earlier and keeping some of the existing zones. My comment is, if you're going to change some of the lots that are being proposed on the map, take into account that those changes would not necessarily allow another development like that one on Colt Ct. If you're looking for some really nice ramblers or whatever, it's got it. And they did it in lot smaller lots. I just wanted to mention that. Thank you.

**Barbara Thomas**

Thank you Mr. Cox.

**Robert Farnsworth**

Hi thank you. Again Robert Farnsworth, I guess last time I didn't give you my address so we'll do that. 7776 S Oak Shadow Cir. Cottonwood Heights, UT 84121. Again here speaking on my mother's behalf. I want to just put this into the record if I may because of what I've already stated previously about the unfair hardship that could, or that will if this is passed and these rezoning's will take effect, be that burden upon your citizens. We're all familiar with our Constitution. I just wanted to remind everybody about the Fifth Amendment and without reading the entire Fifth Amendment I'll just read a couple words out of it. It says no person shall and then at the very bottom after it goes through many other things that could be imposed upon you. It says no person shall... let's see.... Or... no private property shall be taken for public use without just compensation. I'd submit to you right now that if you're looking at taking a 35-50% value from somebody, this is a public taking under the Constitution and the Fifth Amendment. Thank you.

**Barbara Thomas**

Thank you Mr. Farnsworth.

**Brandon Hill**

Madam Chair, again if I might comment on that issue and provide some advice to the Commission on that front. A clear line of case law both at the Utah Supreme Court and the

United States Supreme Court level indicates as a matter of law that such a development would not be a taking under the meaning of the Utah or the United States Constitution. So the wisdom of the proposal is something obviously for debate but that's been resolved as a matter of law.

**Barbara Thomas**

Thank you. Yes?

**Kelly Engel**

My husband and I both grew up here. Kelly Engel 3610 S 3440 W. We both grew up here and we bought our land after we built our home from my father-in-law who would be rolling over in his grave right now if he could hear all this. But our plan, we bought it as an investment because we're self-employed. That's our retirement. We wanted to develop the land and our thought down the road was, with Victoria Woods right but us and the Gerald Wright Home, we were thinking of maybe looking into building some sort of an assisted living for elderly people. If this plan goes through, we don't even have that option because we can't even apply to have the zoning changed if we want to do that. So I don't think it's right that you just do this blanket thing on all the property in the valley that's left and don't give people an option to do what they want with their own land.

**Steve Pastorik**

If I may clarify, so in West Valley assisted living projects have been approved in commercial zones so the commercial zoning under the zone text amendment is still an option to petition for. So it would be possible to request zoning and do an assisted living project if the commercial zoning was approved.

**Barbara Thomas**

Ok, yes sir. Then the lady in the copper colored shirt.

**Jim Yates**

Jim Yates, 3076 Cruise Way, Glen Brock's son-in-law. Unfortunately he has enough property that he got both letters. I just want to go on the record of my prior statement that we also object to this other proposal. Thank you.

**Barbara Thomas**

Thank you Mr. Yates. Mam?

**Anita Brock**

I had not planned to do this but just a few thoughts. Anita Brock, 4411 W 4415 S. It was suggested to us earlier this week that we come to the City Council meeting that was held last evening in addition to this meeting here. We did though not nearly so many people because most people were not aware of that, I'm sure they would have been here. We were listened to but then they kind of just started telling us why and they didn't cover all the points that we made but points that we had made that we were wrong and not understanding those right. One of the things



that they told us when they referred to this new business park that is being built and that there would be CEO's and they told us that they would be looking for housing in West Valley City and so they want to have these fabulous lots where they can come and build, the CEO's can come and build these fabulous homes. I loved the sweet teacher that talked about the good people that live here in West Valley City. I have really felt offended as we have gone through this process that we are basically being told that we are not the kind of citizens that are being looked for to live here in West Valley City. It really does bother me. I kind of thought as this meeting is being recorded, correct? Possibly the City Council could benefit from listening to some of the comments that have been made here this evening because I think a lot of the people would have been here making those comments last evening. The comments have been very sensible and made a lot of common sense. I have really appreciated them and second the many of the thoughts that have been made. May I just ask, June 10 you say will be your next meeting on this. Will this time be the same at 4 o'clock?

**Barbara Thomas**

That's when our meeting would begin, yes.

**Anita Brock**

Okay. And I am wondering how we can find out, how we can know as citizens, what will be being discussed at the City Council meetings and what dates.

**Barbara Thomas**

Well I don't know that there'll be discussion at the City Council level. It'll primarily be at the Planning Commission level. They have asked us to review this to get input from citizens and then to make a recommendation to them.

**Anita Brock**

Okay they did talk about this last evening.

**Barbara Thomas**

I don't know if they'll be discussing it formally on their agenda or do you know differently?

**Steve Pastorik**

Once the Planning Commission makes a recommendation to the Council then the Council will hold a public hearing similar to this on both applications. Just to clarify, Ms. Brock brought up the Council meeting last night. Just want to make sure it's clear that every Council meeting, every Tuesday the Council has a public comment period where people can come and address any issue. These two items were not on the Council's agenda last night yet there were some people that came and addressed these applications. Again, that public comment period is open to any public comment. At the point that these applications are formally considered by the Council there will be a public hearing for those.

**Anita Brock**

Okay, thank you very much. And again I would be happy to suggest that they might listen to some of the comments tonight.

**Steve Pastorik**

And if I may also just clarify that the Council will receive the minutes of the Planning Commission meeting so they will have all the comments that were made this evening.

**Barbara Thomas**

Fabulous. Was there someone else who wanted to speak on this? Sir?

**Greg Cox**

Gregory Cox, I'm representing Monticello Academy, a charter school at 2782 S Corporate Park Drive. And I don't come speaking for or against necessarily the proposals here but more making the Planning Commission aware when plans are brought in the future for developing that land around that school. As we have watched the Lake Park development really develop over these last several months, we're finding something that we already experience may become much much much more serious. And that is that when they built that building, they built it in a hole. Every time it rains we have water come into the foundation into the floors. Now we find that all the buildings, all the community being built up towards us is at least 5 feet higher than we are. We're going to be in a real hole when they build all the way around there as that continues and the streets are at the level they currently are. As plans are brought to you for approval, I would hope you would think about how that water or any water is going to be able to be taken away from the buildings so that we don't end up being a swimming pool instead of a school. Thank you.

**Barbara Thomas**

Thank you Mr. Cox. Is there anyone else? Mam.

**Doreen Yates**

Hi my name is Doreen Yates, I live at 3076 Cruise Way. I am a daughter of Glen Brock who... excuse me... who would have liked to have been here tonight. I'm sorry. As I've sat here, I sat through the Council meeting last night and sitting here tonight I want to thank you for your willingness to listen to us. Last night at the City Council meeting we were made to feel uneducated and to feel very lesser of people in our concerns. I appreciate to you tonight that you're willing to listen and acknowledge some of the concerns that we have. I also echo that's already been said tonight. We oppose both of these rezoning proposals. I just want to thank you for your willingness to listen to how it will directly affect my father's medical care that he will receive. That may not mean a whole lot to West Valley as a whole but he is a long-time resident and I know he is not alone in what he struggles with in life right now. I know there are very many elderly property owners and families who want to work with their elderly parents in

making choices as to what they would like to do with the property that their parents worked hard to obtain. Thank you.

**Barbara Thomas**

Thank you Ms. Yates. Okay, if there's no one else then we'll close this hearing and bring it back to the Commission. Are there comments for discussion? Yes Commissioner Woodruff?

**Harold Woodruff**

Well there's no reason with the outcome of the previous hearing but to continue this. I'll make a motion for GPZ-1-2015 to continue it.

**Brent Fuller**

I second.

**Barbara Thomas**

Seconded. Is there a discussion?

**Brandon Hill**

Just to be clear, is that motion to continue to the June meeting, the same as the other?

**Harold Woodruff**

Yes. Let's continue it to the June meeting also. Thank you.

**Barbara Thomas**

It's acceptable to the second I assume?

**Brent Fuller**

Yes

**Barbara Thomas**

Okay. Roll call vote please.

**Nichole Camac**

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	N/A
Commissioner Tupou	Yes
Commissioner Woodruff	Yes
Chairman Thomas	Yes

Motion for continuance to the June meeting is approved.

**Barbara Thomas**

Okay thank you. Thank you ladies and gentleman, we appreciate your time, your comments, and appreciate the fact that you know how difficult this is.